IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1777 OF 2007

Santosh Williams Fernandes ..Petitioner

Vs.

The State of Maharashtra ..Respondent

Mr. V.S. Paradkar i/by Mr. Anant Iyengar for petitioner.

Mr. S.R. Shinde, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : September 19, 2007.

P.C.:

. I have heard the learned counsel for the petitioner. He has referred to the F.I.R. and pointed out that in the same, the caste of the present petitioner has not been mentioned. He has also relied upon a decision of this court in the case of Ravindra Ganesh Umale and ors. vs. State of Maharashtra and anr. [2007 ALL MR (Cri) 2374] and submitted that when F.I.R. did not mention the caste of the accused,

the trial cannot proceed.

. All these issues can be efficaciously considered in an application under Section 227 of Cr.P.C. and, therefore, the learned counsel sought liberty to file such an application.

. Hence the petition is disposed with liberty to the petitioner to approach the Special Court by filing an application under Section 227 of the Cr.P.C. If such an application is moved within a period of two weeks from today, it is directed that the same shall be considered and decided on its own merits as expeditiously as possible and in any case before 30/11/2007.

(B.H. Marlapalle,J.)